

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
AUGUST 2, 2011

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Dennis Drake at 4:00 p.m. on August 2, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Dennis Drake, Commissioner Alan D. Gardner, Commissioner James J. Eardley, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

The Spectrum was not represented at the meeting.

Commissioner Eardley led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for July 13, 2011, through August 2, 2011
- Consideration of Regular Commission Meeting Minutes of July 12, 2011
- Consideration of Applications for Property Tax Abatement (9)
Sandra Ames, S/N I-CPK-2-14; Barbara Antrim, S/N SG-MS-43; Reba Blodh, S/N SG-RRD-1-32; Debra Cherry, S/N I-RRCN-1-33; Betina Lindsey, S/N S-KIN-A-2; Nora Nelson, S/N SG-RBE-A-9-D-1; Ira Stone, S/N SG-SLH-A-9; Ruby Traucht, S/N SG-RRMHE-7-13; and Jerry Wilkins, S/N SG-SFE-2-18
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Ratification of Renewal of Contract between the State of Utah Attorney General's Office and Washington County for the Children's Justice Center FY 2012

Actions of the Washington County Planning Commission: 07-12-11

Conditional Use Permit Extension: Review Conditional Use Permit Extension to Construct and Operate an Asphalt Processing Plant within the I-1 Zone, Section 1, T40S, R13W, SLBM, located near Pintura, Sunroc Corporation/Russell Leslie and Dana Truman, applicants.

This item was tabled last month, due to a lack of representation. This will be the 4th extension of the Conditional Use for an asphalt plant on 31.5 acres near Pintura. This year's review will include a temporary site plan/use for construction on Interstate 15, as they are using the same temporary facility used previously. The County Commission approved the I-1 Zone change on March 6, 2007, and the CUP on March 27, 2007 (County Code 10-12-3). Prior to receiving a building permit on the permanent facility, the Planning Commission will have to grant Site Plan Approval (County Code 10-12-4:D), and at that time, the Commission will need to review Title 10-12-5: Special Provisions, which may need to be considered with the Conditional Use Permit or Site Plan Approval. Access for haul trucks would be from the Browse Exit on I-15, with ingress and egress from an existing County Road and a private easement, which was installed when the temporary plant operation was approved several years ago. (See vicinity map, original site plan and minutes attached) The motion in 2007 was as follows: *"...to recommend approval of the Conditional Use Permit, for a period of one (1) year, subject to site plan approval. The one year will begin at the time of activation, with no activity allowed beforehand."*

There have been no complaints on the project this year. There were complaints last year that the company remedied as far as dust and noise from the plant. If the applicants are ready, permanent status could be granted on this project.

Gene Beck representing SUNROC expressed his apologies for missing the previous meetings. He explained how they have mitigated the complaints and other issues. In addition, they have met all of the conditions the Planning Commission imposed for this use. At this point, they do not want permanent status but would like the Conditional Use Permit extended for another year. He asked if there were any questions.

Commissioner Everett asked what the intent for the future was for this site. Mr. Beck stated they have been working with the surplus material already onsite. They have not crushed and most likely will not crush any material for the rest of the year. The rock is currently being used by WW Clyde for the highway construction. When that project is completed, and if work is available, they will use the remaining materials. If there are no jobs, the plant will sit dormant until such time as needed. The Planning Commission voted unanimously to approve the Conditional Use Permit Extension for one year to construct and operate an asphalt processing plant, within the I-1 zone, Section 1, T40S, R13W, SLB&M, located near Pintura, for applicant SUNROC Corp.

Conditional Use Permit Extension: Review Extension Request for Gravel-Crushing Operation in the Pintura area of Washington County; Dana Truman/Sunroc, applicants.

The Planner presented pictures of the project. She reported this also was tabled last month, due to a lack of representation. The commission may recall there have been two

90-day reviews; this will be the 3rd annual extension for the gravel crushing operation. In 2008, the first contract with UDOT for improvements to Interstate 15 was fulfilled and now there is a second contract, so there will be a need to operate during the nighttime hours. There have been recent complaints from a resident in Pintura about the noise. This is the annual review for the crushing operation that the County Commission approved within the OST-20 Zone. Access for haul trucks would be from the Browse Exit on I-15, with ingress and egress from an existing County Road and a private easement. The commission addressed the following issues as a part of their previous motion in 2007: *"... hours of operation from 4:00 a.m. to 10:00 p.m., noting that the applicant will work in concert with the adjoining I-1 zone for sanitary and waste disposal, and other support for employees. Also noting that if the crusher is moved from Phase 1 on the site plan to Phase 2, an additional Conditional Use Permit will be required, and that the property will be properly signed for safety with relationship to access, and that a stop sign will be installed as entering from the property to the frontage road."*

Gene Beck reiterated that they have not crushed at this plant and don't expect to this year. They are not ready to move to permanent status at this time and asked that the Conditional Use Permit extension be approved. He asked if there were any questions.

Commissioner Everett asked about the slope from the material that had been removed, stating in the photos it appears as a steep pitch and his concern is that it might slough. Mr. Beck stated the photos are deceptive in that it is not that steep and that he did not believe it would slough. OSHA inspects the property continually and there is not a problem. A short discussion on the possibility of sloughing occurred. The Planning Commission voted unanimously to approve the Conditional Use Permit Extension for one year for a gravel crushing operation in the Pintura area of Washington County, for applicant SUNROC Corp.

Conditional Use Permit Extension: Request Permission for a Racing Event "15-Miler Turn-Around" for a 5k and 15-mile run on August 6, 2011, beginning at 7:30 a.m., generally located 1.5 miles north of Pine Valley on Grass Valley Road; Blue Duck Racing/Bob Hermandson, applicants.

This is the 2nd annual review of an event sponsored by the Blue Duck Racing Association for a 5K and 15-mile run along Grass Valley Road and running north toward Pinto. This item was tabled last month, due to a lack of representation. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (County Code 10-18-2 (amended 2008)). The staging area is approximately 1.5 miles north of Pine Valley. The race will begin at 7:00 am, and will be completed by 12:00 pm. The applicant will need a liability insurance policy in place, listing Washington County as a beneficiary. Previously, they expected 20-50 participants and the number of Port-a-Potties were based on that number. Aid stations will be located approximately every 2 miles. The Forest Service has set the criteria for this activity as to

parking and public safety. An EMT will be on site and cell phones will allow for communication to emergency responders with Enterprise as the provider. The applicant will update numbers of participants planned for this event.

Mary Jo Hermandson addressed the Commission stating the race went smoothly last year. She explained the changes for this year, noting that the race will start one-half hour later at 7:30 am and the port-a-potty at mile 3 may or may not be placed. Commissioner Balen asked how many runners participated last year. Ms. Hermandson answered around 275; however, this year the numbers are down a bit and they expect approximately 200.

The Commission and applicant discussed the race, the number of participants and if there was a cap on the number of participants. A discussion regarding the additional port-a-potty occurred, during which the commission deemed it should be included. The applicant stated they will have it put in place. The Planning Commission voted unanimously to recommend approval for a Conditional Use Permit Extension for the "15 Miler Turn-Around" 5K and 15-Mile Run request 1.5 miles north of Pine Valley on Grass Valley Road to be held August 6, 2011, for one year for Blue Duck Racing, applicant.

Conditional Use Permit Extensions: Review extensions on crushing operations near Veyo, Utah, in Section 11, T40S, R17W, SLBM; Progressive Contracting, Inc., applicant.

This will be the 10th extension for these two sites and there seems to have been no activity at these locations. As per the previous meeting minutes, Progressive Contracting desires to retain the right of use for projects that may become available. Whereas, the County has been seeing a lot of development in the Ivins area, it would be well for the Planning Commission to review these uses annually and note that it is approved according to the conditions set at the previous meetings. There have not been any complaints on these projects.

John Wilson representing Progressive Construction reported that the Veyo pit had not been used for the last few years. They keep the pit open because when they bid a job and if they are awarded the contract, the pit would be ready to go. Otherwise, there would be a lengthy process to go through to get started. They would like to have the extension granted so that when they are able to utilize the pit they can do so without going through the permitting process again. The Planning Commission unanimously recommended approval of the Conditional Use Permit Extension for the crushing operations: (1) near Veyo, Utah in Section 11, T40S, R17W, SLB&M for one year.

Conditional Use Permit Extension: Review extension on an Ultra-marathon event, Red Mountain 50k, which begins west of Central on dirt roads and runs south of Red Butte to Gunlock, then onto the Shivwits Reservation along Old

Highway 91 to Ivins, to be held on April 21, 2012; Red Mountain Running LLC/Jeremy Frehner, applicants.

This will be the 3rd extension for this event, which was moved ahead to guarantee a date selected in April. The race will be run April 21, 2012. There will also be a 30K race in conjunction with the 50K. This event is sponsored by the Red Mountain 50K LLC. This is an Ultra-marathon event 50K, with approximately two hundred fifty (250) attendees listed under their special event coverage. The run begins west of Central on dirt roads and runs south of Red Butte to Gunlock, past the reservoir and through the Shivwits Indian Reservation and on to Unity Park in Ivins. As previously reported, the applicant has obtained letters from the Public Works Department, BLM, and County Sheriff. The Shivwits Indian representative granted approval for crossing the reservation. The County would want to continue to be listed as a beneficiary of the liability insurance policy, review communication and emergency access. There have been no complaints on the race.

Phil Packard representing the Red Mountain 50K LLC explained the 50K and 30K races and stated they had one incident last year, which involved a resident of the neighborhood the race went through. This individual didn't want the race in their neighborhood and changed the course by moving the markers, which increased the mileage. The sheriff's office investigated and cited the individual. This year, the race will not pass through the neighborhood and so there should be no problems in that area.

The Planning Commission voted unanimously to approve a Conditional Use Permit Extension for the Ultra-marathon Red Mountain 50K race request, which begins west of Central on dirt roads and runs south of Red Butte to Gunlock, then onto the Shivwits Reservation along old Hwy. 91 to Ivins on April 21, 2012.

MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

VOLUNTEER OF THE MONTH / CAROL HOLLOWELL

No presentations were made today.

PURCHASE REQUEST(S)/MARK BLANCH

Dixie Center, carpet squares	\$ 26,000.00
Emergency Services, Motorola mobile radios	\$294,733.50

The carpet squares are being purchased by the Washington County/St. George Interlocal Agency (WCIA), and that money does not come out of the County's budget.

Washington County Administrator Dean Cox explained that the new 800 mhz mobile radios purchased for St. George City, Santa Clara City, Washington City, and Hurricane City via a grant from Homeland Security are to keep those entities interoperable with all other agencies in the county.

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Gardner to Approve the Purchase Request(s), as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

PRESENTATION ON LAKE POWELL PIPELINE: WASHINGTON COUNTY WATER CONSERVANCY DISTRICT

Ronald W. Thompson, General Manager of the Washington County Water Conservancy District, narrated a PowerPoint presentation concerning the Lake Powell Pipeline. This slide show may be obtained by contacting the Office of the Washington County Water Conservancy District.

PUBLIC HEARING ON A STREET VACATION, PINTO TOWNSITE PLAT, GENERALLY LOCATED IN THE NE 1/4, SECTION 34, T37S, R15W, SLBM

Chairman Drake opened the public hearing on this street vacation in Pinto. Blair Mitchell came to the podium and requested the street vacation as described above. Chairman Drake asked for clarification as to the extent of the abandonment Mr. Mitchell is requesting for "North," "West," and "Day" Streets. Discussions were held among the Commissioners and Mr. Mitchell, as they referred to a detailed map provided by Mr. Mitchell.

Rick Hafen then asked to speak, and expressed his opposition to the vacation of these streets. Specifically, he and his family have a pipeline that runs down North Street. Mr. Hafen insists that North Street does exist, and has fences along both sides. The problem is that there is a gate across it which is locked, with a "No Trespassing" sign affixed to it. North Street would be utilized if that locked gate were not there. Commissioner Gardner asked who has the key to the lock, and Mr. Hafen did not know but assumed the Goodwin family has possession of the key.

A second concern of Mr. Hafen is that if that road is closed, Gold Butte Ranch has no access to its property. Currently, Gold Butte Ranch's access is through the Hafen property, via a private easement agreement.

Chairman Drake said that meetings with Planning Staff also raised some concerns with closing off the proposed street that runs along the creek. In case of flooding, that street allows the County access for purposes of emergency repair. The Commission also does not want to land lock a piece of property belonging to J. K. Frei.

Seeing no other people with comments, Chairman Drake closed the public hearing.

MOTION: Motion by Commissioner Eardley to Deny the Street Vacation Request in Pinto Townsite Plat, Generally Located In the NE 1/4, Section 34, T37S, R15W, SLBM. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF PLAT AMENDMENT APPROVAL FOR STAPLES PLANNED DEVELOPMENT (AMENDED); THE PURPOSE IS TO REVISE LOT 11 INTO A CEMETERY LOT AND NON-DWELLING UNIT LOT, SW 1/4, SECTION 12, T41S, R12W, SLBM, GENERALLY LOCATED ALONG KOLOB ROAD NORTH OF VIRGIN; EDWARD M. STAPLES, APPLICANT, AND BUSH AND GUDGELL, INC./BOB HERMANDSON, AGENT

Washington County Planner Deon Goheen said that this item was reviewed by the Planning Commission, which unanimously recommended approval of the plat amendment. The Planning Commission advised the applicant to re-plat his planned development to reflect the requested changes: revise Lot 1 into a cemetery, and show an approximate ten (10) foot revision that was made on two (2) properties.

MOTION: Motion by Commissioner Gardner to Approve the Plat Amendment For Staples Planned Development, Amended, To Revise Lot 11 Into A Cemetery Lot And Non-Dwelling Unit Lot, SW 1/4, Section 12, T41S, R12W, SLBM, Generally Located Along Kolob Road North Of Virgin. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF APPOINTMENT OF HEARING OFFICERS FOR THE BOARD OF EQUALIZATION 2011

David Miller from the County Assessor's Office presented a list of nine (9) individuals for consideration as Hearing Officers for the Board of Equalization 2011 hearings. These gentlemen have all previously served as Hearing Officers and have done an excellent job.

MOTION: Motion by Commissioner Gardner to Approve the Appointment of Dan Johnson, Craig Morley, Jeff Morley, Brian Musso, Steve Porter, Stuart Porter, Kent Vincent, Bill West, and Steve Williams as Hearing Officers for the Board of Equalization 2011. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF ORDINANCE NO. 2011-1011-O, AN ORDINANCE AMENDING AND SUPERSEDING WASHINGTON COUNTY CODE TITLE 11: SUBDIVISION REGULATIONS, CHAPTER 7: GUARANTEE OF IMPROVEMENTS, SECTION 1: METHOD OF GUARANTEE

Ms. Goheen said that this was reviewed by the Planning Commission, which unanimously recommended its approval. The Public Works Department requested this clarification because there was some confusion in the previous ordinance concerning the warranty bonds. Additionally, the ordinance added the phrase "data-line transmission lines" to other descriptions of utilities.

MOTION: Motion by Commissioner Eardley to Adopt Ordinance No. 2011-1011-O, An Ordinance Amending And Superseding Washington County Code Title 11: Subdivision Regulations, Chapter 7: Guarantee Of Improvements, Section 1: Method Of Guarantee. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1580, A RESOLUTION ADOPTING AN AMENDMENT TO THE 2010 WASHINGTON COUNTY GENERAL PLAN WHICH ADDS PRIVATE LANDS PORTIONS TO THE GENERAL PLAN

Ms. Goheen praised the efforts of the Planning Department's John Willie, who has been working on the County's General Plan for many months. The seven (7) communities that are the subject of this amendment are Brookside, Dammeron Valley, Diamond Valley, Gunlock, Pine Valley, Veyo, and Winchester Hills. Statistical data sheets have been compiled for each community, along with background, history, geography, and topography. The Planning Commission voted unanimously to recommend adding these lands portions to the County General Plan.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1580, A Resolution Adopting An Amendment to the 2010 Washington County General Plan Which Adds Private Lands Portions To The General Plan. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1581, A RESOLUTION APPROVING THE EXECUTION OF AN AMENDED TAX DEFERRAL AGREEMENT BETWEEN WASHINGTON COUNTY AND ALLAN CARTER

The Washington County Assessor's Office has been working on this agreement with Mr. Carter for quite some time, and it is acceptable to both parties in its current form. The agreement addresses the fact that Mr. Carter's property is located in the Red Cliffs Desert Reserve and its use is extremely limited.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1581, A Resolution Approving The Execution Of An Amended Tax Deferral Agreement Between Washington County And Allan Carter. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

Chairman Drake interrupted the Regular Agenda to introduce several Webelos who are attending the Commission meeting as part of their citizenship requirement. Their Scoutmaster, Joel Tucker, said that the Webelo designation signifies a transition between Cub Scouts and Boy Scouts.

CONSIDERATION OF RESOLUTION NO. R-2011-1582, A RESOLUTION APPROVING THE EXECUTION OF AN INTERGOVERNMENTAL COUNTY JAIL AGREEMENT WITH THE UTAH DEPARTMENT OF CORRECTIONS

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1582, a Resolution Approving the Execution Of An Inter-governmental County Jail Agreement With The Utah Department Of Corrections. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF DONATION BY WASHINGTON COUNTY SHERIFF'S OFFICE OF ELECTRONIC EQUIPMENT TO THE CITY OF ENTERPRISE HIGH SCHOOL

Brock Bentley, Washington County Sheriff's Office, explained that he is the current School Resource Officer for Enterprise High School. The electronic equipment referred to are from eight (8) to twelve (12) Vertex/Yaesu hand-held mobile radios that are no longer being used by the Sheriff's Office but are in good working condition. This equipment will assist the school in accomplishing evacuation practices and other emergency preparedness scenarios. The radios would also offer the ability to communicate with the school buses.

MOTION: Motion by Commissioner Gardner to Approve the Donation by Washington County Sheriff's Office of Electronic Equipment To The City Of Enterprise High School. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF REVISION TO WASHINGTON COUNTY SHERIFF'S OFFICE POLICY MANUAL / VOLUME AC: COUNTY VEHICLES; CHAPTER 03: USE OF COUNTY VEHICLES

Administrator Dean Cox said that the Commission recently approved a vehicle policy for other County departments. This policy revision for the Sheriff's Office better defines which vehicles can be taken home, and how they may be used. Generally, the policy proscribes personal use of take-home vehicles except under certain specific circumstances; it allows some officers to have a County vehicle available for immediate response if needed. It also makes some exceptions to that policy, based upon the rank of certain Sheriff's Department employees who are basically on call twenty-four (24) hours a day, seven (7) days a week. Adoption of this revised policy should result in substantial fuel savings.

MOTION: Motion by Commissioner Eardley to Approve the Revision to Washington County Sheriff's Office Policy Manual / Volume AC: County Vehicles; Chapter 03: Use Of County Vehicles. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

COMMISSIONERS' REPORT

Commissioner Gardner reported that the entire Commission recently spent several days in Portland, Oregon, at the Annual Conference of the National Association of Counties (NACo). There were discussions on issues important to Washington County, including public lands, uranium mining, border patrols, wilderness areas, and the rights of states to challenge the rulings of federal organizations.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead updated the Commission on its current projects:

- The New Harmony irrigation project in conjunction with the Natural Resource Conservation Service (NRCS) is complete. The appropriate paperwork is being wrapped up, and that will be the County's last official NRCS project this year. Additional funding has been requested for other projects, but no funding has been received to date. Given the economic uncertainty in Washington D.C., it is not likely to happen any time soon.
- The process is ongoing to obtain clearances from the Federal Highway Administration for work on those projects, which will probably not happen until next year.
- Some money from the Federal Emergency Management Agency (FEMA) has been received for small projects, but approval has not been forthcoming for other larger projects that the County needs to have done. Some work along the Santa Clara River with erosion control dykes is being done by Santa Clara City and St. George City.
- The Road Department has been working on Old Highway 91, putting new asphalt down in those areas that were washed out during the recent floods.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Administrator Dean Cox said that he has researched email archival systems that would keep the County compliant with different GRAMA requirements. The system that seems to be the best would automatically archive all inbound and outbound emails. The cost would be nine thousand, one-hundred and eighty-five dollars and seventy-six cents (\$9,185.76), and the best way to apportion those costs would be on the basis of how many employees there are per department. Most departments will be spending two to three hundred dollars (\$200-300) to be in compliance; the Sheriff's Office, however, with over one hundred and fifty (150) employees, would be two thousand, nine hundred and forty-seven dollars (\$2,947.00).

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:38 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

DENNIS DRAKE
CHAIRMAN